



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-104

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. For purposes of the expedited repeal process, an “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation. In this case, the agency’s rulemaking authority was removed by the repeal of s. 45.04, 2003 Stats., in 2005 Wisconsin Act 22.

2. Form, Style and Placement in Administrative Code

The rule summary’s listing of statutes interpreted should be revised to cite the specific statutory provision that was interpreted for administration and enforcement in the original rule, s. 45.04, 2003 Stats. The citation to s. 227.26 (4), Stats., should be removed, as that provision only establishes the expedited repeal process, and does not address the subject matter at issue. [s. 1.02 (2m) (a) and (b), Manual.]